

REMARKS

The applicant has carefully considered the Office action dated November 15, 2004 and the references it cites. By way of this Response, claims 1, 7, 10, 13-15, 19, 22-23, 26 and 27 have been amended, new claims 34-36 have been added, and claims 28-33 have been cancelled without prejudice to their further prosecution. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

As an initial matter, the applicants note that the Office action did not reject any of claims 23-25. Accordingly, the applicants have rewritten claim 23 into independent form. As implicitly acknowledged by the Office action, claim 23 and all claims depending therefrom are in condition for allowance. Claims 23-25 will not be discussed further herein. Before leaving this topic, the applicants note that, any new art rejection applied to claims 23-25 will not have been necessitated by any action of the applicants. Accordingly, any new Office action containing any such art rejection cannot be made final.

As a further preliminary matter, applicants note that the abstract has been amended to delete the phrase "are disclosed" as requested by the Office action. The objections to the specification have, thus, been overcome.

As still another preliminary matter, the Office is respectfully requested to acknowledge the priority claim of this application to German application 101 36 287.0 via the parent PCT application.

Turning to the § 112, second paragraph, rejections and the claim objections, applicants respectfully note the following:

Claim 10 has been amended to depend on claim 9.

Claim 19 has been amended to address the antecedent bases objection raised in the Office action.

The term “weapon” has been replaced with the term “firearm” in claims 22 and 26.

The objected-to phrase “in the module” and the objected-to “the” have been deleted from claim 27.

Applicants respectfully traverse the objection to claim 12. While it is certainly true that a “word” can be either spoken or printed as noted in the Office action, that fact does not make the term “word” ambiguous. In this regard, the Office is respectfully reminded that “breadth of a claim is not to be equated with indefiniteness.” MPEP § 2173.04. Thus, the Office action has not made out a prima facie showing that claim 12 is indefinite and the rejection thereof should be withdrawn.

The objection to the term “a user” in claim 21 is also traversed. In this regard it is noted that the “user” in the phrase “the sensor being directed toward an expected direction of an aiming eye of a user attempting to fire the firearm,” need not necessarily be “the authorized user.” Accordingly, it would be incorrect to change “a user” to “the user” as suggested in the Office action.

In view of the foregoing, the § 112 rejection and objections to the claim language have been overcome and must be withdrawn.

Turning to the art rejections, the Office action rejected claims 1-22 and 26-33 as being unpatentable over one or more of Winer, U.S. Patent 5,459,957, Ealovega, U.S. Patent 5,713,150, and O’dwyer, U.S. Patent 6,477,801. Applicants respectfully traverse these rejections.

Claims 28-33 have been cancelled without prejudice to their further prosecution. Accordingly, the rejections of claims 28-33 are moot.

Turning to claim 1, applicants note that claim 1 recites a first module removably attachable to the handle of a firearm to prevent firing by unauthorized persons and to permit firing by a first authorized user. Claim 1 also recites a second module removably attachable to the handle in place of the first module such that the first and second modules are interchangeable. The second module interacts with the safety when the second module is attached to the handle to: (a) prevent firing by all persons, or (b) permit firing by all persons. None of the art of record teaches or suggests such a combination.

For example, neither Winer, Ealovega, O'dwyer nor their combination teach or suggest interchanging a first module which prevents firing by unauthorized persons and permits firing by a first authorized user with a second module that (a) prevents firing by all persons, or (b) permits firing by all persons. Accordingly, claim 1 and all claims depending therefrom are allowable over the art of record.

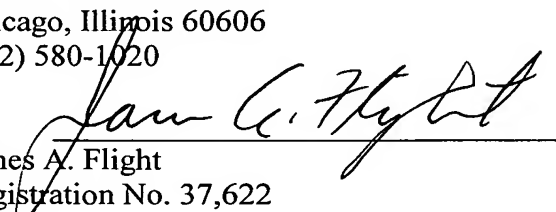
Before closing, the applicants note that, with the exception of the addition of the last paragraph (i.e., the second module) to claim 1, the amendments made throughout the claims are either broadening or clarifying and, thus, not necessary for patentability. Again, other than the addition of the last paragraph of claim 1, all other amendments made in this response are either broadening or are merely clarifying in that either (a) the amended claims are intended to state the same thing as the claim prior to amendment (i.e., to have the same scope both before and after the amendments) in a more easily

understood or more conventional fashion, or (b) the amended claims are dependent on an allowable claim so that any refinement of the dependent claim was not required for patentability, but was made to clarify the claim. Consequently, these broadening or clarifying amendments do not give rise to prosecution history estoppel or limit the scope of equivalents of the claims under the doctrine of equivalents.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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